

**REMARKS/ARGUMENTS**

Claims 1-37 stand rejected in the outstanding Official Action. Claims 1-37 have been amended and newly written claims 38-43 offered for consideration. Therefore, claims 1-43 are the only claims remaining in this application.

The Examiner's consideration of Applicants' previously submitted Information Disclosure and PTO Form 1449 is very much appreciated. However, Applicants note that the present case is a national phase entry of PCT International Application No. PCT/GB00/03620, and as such, Applicants' original transmittal letter included a claim for priority under 35 USC §119. Moreover, a certified copy of the priority document is on file at WIPO, and the U.S. PCT Receiving Office should have confirmed this fact to the U.S. Examiner. Accordingly, the Examiner should, in paragraph 12 of the Office Action Summary Sheet (PTOL-326), acknowledge Applicants' claim for priority and receipt of all certified copies of the priority documents to be received from the International Bureau (i.e., boxes "12", "a", "3" should be checked under the heading "priority under 35 U.S.C. §119"). The Examiner's cooperation in certifying the constructive receipt of the certified copies is respectfully requested.

The Patent Office objects to the Abstract, and the arrangement of the specification. It is also appreciated that the Examiner has brought the Abstract, and the arrangement of the specification to the applicant's attention. It is noted that the objection to the Abstract, and the arrangement appear to be an indication that the originally filed specification and drawings (transmitted from WIPO) do not meet the formality requirements of the U.S. Patent and Trademark Office. The Patent Office is reminded that the U.S. Patent and Trademark Office

must comply with all articles of the Patent Cooperation Treaty (PCT) including Article 27. It has been held that:

“if the rule and interpretation of the PTO conflicts with the PCT, it runs afoul of Article 27 of the PCT which provides in part:

- (1) No national law shall require compliance with requirements relating to the form or contents of the international application different from or additional to those which are provided for in this Treaty and the Regulations.” Caterpillar Tractor v. Commissioner, 231 USPQ 590, 591 (EDVA 1986).

The Patent Office has referenced this decision in the Official Gazette dated September 9, 1986 (1070 TMOG 5).

As a consequence, the Patent Office (including the Chief Draftsman’s Office) may not require Abstract changes, and/or specification format changes as long as the originally submitted documents comply with the PCT requirements. Inasmuch as this specification was forwarded by WIPO, by definition, it meets the PCT requirements (it is not forwarded until it meets PCT requirements.). Therefore, the objections to the Abstract, and the specification are respectfully traversed and reconsideration thereof is respectfully requested.

Notwithstanding the above, applicant has included a retyped Abstract on a separate sheet, and has added headings and subheadings to the specification.

In section 2 on page 3 of the Official Action, claims 19-31 stand rejected under 35 USC §101 as being directed to non-statutory subject matter. Applicants have amended claims 19-31 to recite a "computer program product comprising a computer readable medium containing computer readable instructions for controlling operation of a computer system." This then, in reciting a computer readable medium, clearly recites statutory subject matter. Moreover, this

language is consistent with computer program product claims in other issued U.S. patents (for example, see U.S. Patent 6,836,860). As amended, claims 19-31 are believed to comply with the requirements of 35 USC §101 and are directed to statutory subject matter.

In section 3, page 3 of the Official Action, claim 13 is rejected under 35 USC §112 as being indefinite. Claim 13 has been amended to depend from claim 1, thereby obviating any further objection to the claim. However, it is noted that claim 11, from which claim 13 previously depended, specified "a database computer system" but did not limit the method from being applied to a plurality of database computer systems. How the Examiner has construed original claim 11 to be somehow limited to only a single database computer system is not seen and clarification is requested.

Applicants have also amended claim 11 to recite "at least one database computer system," thereby clearly indicating an intent to cover one or more database computer systems in the claim. In any event, the rejection of claim 13 has been obviated by amending its dependency to depend from claim 1 and any further rejection thereunder is respectfully traversed.

On page 3, section 4, claims 1-3, 5, 11-13, 17, 20, 21, 23, 31 and 32 stand rejected as being anticipated by Baker (U.S. Patent 5,696,898). The Court of Appeals for the Federal Circuit has noted in the case of *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 USPQ 481, 485 (Fed. Cir. 1984) that "[a]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

The preamble to Applicants' independent claims 1, 19 and 32 specifies that it is a method, computer program product and network access controller (in independent claims 1, 19 and 32, respectively) which controls access to data held on a computer system as requestable datasets. In

section 5 on page 4 of the outstanding Official Action, the Examiner takes the position that in the cited Baker reference "the data comprises URLs and the URLs are grouped in sets." The Examiner's conclusion is incorrect for a number of reasons.

Computers have several different kinds of digital inputs, operation codes indicating a function to be performed, addresses in memory or registers, or data to be operated on. In ordinary computer terminology, "data" is not an operation code or an address. A URL (Uniform Resource Locator) corresponds to an address, but is not an address of a data item in memory. Instead, a URL is a locator for a whole database. This is clearly noted in the Baker patent - See the abstract at lines 4-5 "... databases (i.e., the WWW and the Internet))" and at line 9 "database specific resource identifiers (i.e., URLs)." Clearly, the Baker patent admits in the abstract and elsewhere that URLs are not data nor datasets, particularly as those terms are utilized in Applicants' independent claims 1, 19 and 32.

Because Baker does not deal with controlling access to data held on a computer system as requestable datasets, as is Applicants' independent claims 1, 19 and 32, it cannot anticipate the subject matter of these claims.

Additionally, in section 5 on page 4 of the Official Action, the Examiner alleges that the the independent claims step of "associating each dataset with a dataset access category" is disclosed in Baker at Figure 2 and the IDs in block 215 are access categories. The Examiner suggests that Baker, column 4, lines 47-49 to support this contention. However, a review of Figure 2 and the cited portion of the Baker reference will indicate that the IDs in block 215 simply identify terminals; they do not categorize terminals. An "identity" is not a "category" because categories are independent of identity. A terminal has only a single identity which is

specific to that terminal and no other. However, a terminal can have many different categories, e.g., color, size, price, clearance level, etc. and it may share one or more of these categories with other terminals.

Figure 2 and the associated description in Baker merely discloses specific terminals being given access to specific resources via specific URLs. There is no disclosure in Figure 2 or its description of terminal **categories** being used to define such access. Accordingly, the Examiner has failed to indicate how or where section b) in each of the independent claims is reflected or disclosed in the Baker patent. For this reason alone, Baker cannot support a rejection under 35 USC §102.

Moreover, Applicants' independent claims in section c) require giving access to each dataset only to user group members associated with an appropriate data access category for that dataset. The Examiner contends that this is disclosed in the Baker reference at column 3, lines 8-14. Again, this contention is believed incorrect. At the cited portion of the Baker reference, it is disclosed that requests for access to a resource are passed on only if the URL for that resource is an access group to which the user (i.e., terminal user) is permitted access. However, as noted above, the user is identified by a user terminal identity (ID 207) and is not associated with a data access category.

There is no doubt that a URL is an address of a resource or database and is not data or part of a dataset as the term is used by those of ordinary skill in the art in the computer field. Again, because feature c) from Applicants' independent claims is not present in the Baker reference, Baker cannot support a rejection under 35 USC §102.

Because Baker fails to support the limitations set out in the preamble of Applicants' claim or the limitations set out in portions (b) and (c) of Applicants' independent claims, there is simply no support for any future rejection of independent claims 1, 19 and 32 or any claims dependent thereon over the Baker reference and any further rejection is respectfully traversed.

Claim 4 stands rejected under 35 USC §103 as unpatentable over Baker in combination with Davis ("An Implementation of MLS on a Network of Workstations Using X.500/509"). Inasmuch as claim 4 ultimately depends from claim 1, the above comments distinguishing claim 1 from the Baker reference are herein incorporated by reference. The Examiner's admission that "Baker does not disclose the use of X.509 certificates as the computer based identifying means" is very much appreciated.

The Examiner should appreciate that Applicants' claim does not assert that X.509 certificates are novel and Applicants, in fact, have declared those to be known in the prior art (Applicants' specification, page 3, lines 1-8). However, the use of an X.509 certificate in accordance with the limitations of claims 1 and 3 is new, unique and unobvious. It is noted that the cited Davis reference is not alleged by the Examiner to supply the points noted above which are missing from the Baker reference. As a result, since neither Baker nor Davis teach the subject matter of Applicants' preamble or items b) and c) recited in independent claim 1, the combination of Baker and Davis cannot render obvious the subject matter of claim 4, dependent on claim 1. Additionally, the Examiner fails to provide any "reason" or "motivation" for combining the Baker and Davis references, except for his conclusory statement that it would be obvious to modify Baker to include X.509 certificates.

Claim 6 stands rejected under 35 USC §103 as being unpatentable over Baker in view of Edd (U.S. Publication 2002/0184255). Inasmuch as claim 6 ultimately depends from claim 1, the above comments distinguishing claim 1 from the Baker reference are herein incorporated by reference. The Examiner admits that Baker "does not disclose that the step of associating each dataset with a dataset access category comprises inserting meta tags in html web page code." This admission is very much appreciated.

Applicants believe that the Examiner has miscited the Edd reference, as this reference has a filing date of June 1, 2001, and Applicants' PCT International Application filing date (the effective U.S. filing date of this application) is September 21, 2000 and claims priority back to the GB application filed October 4, 1999. Therefore, Edd is not a reference against claim 6 in this application, and in view of the admission that the subject matter of claim 6 is not disclosed in the Baker reference, there is no support for a rejection of claim 6 under 35 USC §103.

Claims 7-9 stand rejected under 35 USC §103 as unpatentable over Baker in view of Davis, further in view of Harn ("ID-based Cryptographic Schemes for User Identification, Digital Signature, and Key Distribution"). Inasmuch as claims 7-9 ultimately depend from claim 1, the above comments with respect to Baker alone as well as the Baker/Davis combination noted above are herein incorporated by reference. The Examiner's admission that Baker and Davis "do not disclose a challenge response exchange regarding user identification before the step of giving access to a dataset" is very much appreciated.

Even assuming for the purpose of argument that Harn discloses the missing material cited by the Examiner, there is no "reason" or "motivation" for combining the Baker, Davis and Harn references. Moreover, the Examiner does not allege that Harn supplies the elements missing

from the Baker and Davis references noted above. Accordingly, even if all three references were combined, they would not disclose the subject matter of Applicants' claims 7-9 and any further rejection under 35 USC §103 is respectfully traversed.

Claim 10 stands rejected under 35 USC §103 as unpatentable over the Baker/Davis combination and further in view of McNabb (U.S. Patent 6,289,462). Inasmuch as claim 10 ultimately depends from claim 1, the above comments with respect to the Baker reference by itself and the Baker/Davis combination of references are herein incorporated by reference.

The Examiner's admission that neither Baker nor Davis "discloses granting database access to a second kind of user lacking a user certificate" is appreciated. Even assuming the fact that McNabb teaches the material admitted by the Examiner to be missing from the Baker/Davis combination, there is no reason why one of ordinary skill in the art would combine Baker and Davis and McNabb.

It is noted that the Examiner has not alleged that McNabb teaches the independent claim 1 method steps noted above to be missing from the Baker and Davis combination. As a result, because none of the Baker, Davis, McNabb references teach the subject matter of independent claim 1, claim 10, dependent on claim 1, cannot be rendered obvious in view thereof. Moreover, the Examiner has failed to provide any "reason" or "motivation" for combining these three references, other than to include a conclusory statement of obviousness. This does not meet the test set out in the MPEP for establishing a *prima facie* case of obviousness and any further rejection thereunder is respectfully traversed.

Claims 14-16 stand rejected on page 10 as being obvious over Baker when combined with Hayman (U.S. Patent 5,859,966). Because claims 14-16 ultimately depend from claim 1,



the above comments distinguishing claim 1 from the Baker reference are herein incorporated by reference. The Examiner's admission that Baker fails to teach "that the data access categories and user groups and datasets with which they are associated are assigned numerical values" is appreciated.

While the Examiner suggests that Hayman does disclose this admittedly missing feature from Baker, the Examiner does not assert that Hayman teaches either the preamble or elements (b) and (c) of independent claim 1, from which claim 14-16 ultimately depend. Because neither Baker nor Hayman teach the subject matter of Applicants' independent claim 1, it cannot teach or render obvious the subject matter of claims 14-16 and any further rejection thereunder is respectfully traversed. Moreover, it is noted that the Examiner has not indicated any "reason" or "motivation for combining the Baker and Hayman references and therefore the Examiner has failed to provide a *prima facie* basis for obviousness under 35 USC §103.

Claim 18 stands rejected under 35 USC §103 as unpatentable over the Baker/Hayman combination, further in view of Netscape (Netscape Messaging Server Version 3.0 Administrator's Guide). Inasmuch as claim 18 depends from claim 16, the above comments with respect to claim 16 are herein incorporated by reference. Because claim 16 is patentable over the Baker/Hayman combination, claim 18 dependent thereon is similarly believed patentable.

The Examiner does not allege that the Netscape article contains any disclosure of the subject matter of independent claim 1, from which claim 18 ultimately depends. Thus, none of Baker or Hayman or Netscape contain a teaching of the subject matter of Applicants' independent claim 1 or claims dependent thereon. Moreover, there is no reason or motivation for one of ordinary skill in the art to combine the Baker, Hayman and Netscape references. There is

simply no *prima facie* basis for obviousness rejection of claim 18 and any further rejection is respectfully traversed.

In paragraphs 31-43 on page 12 of the outstanding Official Action, the Examiner rejects claims 22, 24-30 and 33 and 34 as being based upon the previously noted rejections associated with independent claim 1. Because Applicants have already addressed the rejection of claims 19 and 32, from which the above claims depend, the corresponding arguments with respect to claim 1 would similarly apply.

Claim 35 stands rejected over the Baker/Davis combination as previously applied and the above comments regarding Baker separately and the Baker/Davis combination are herein incorporated by reference.

Similarly, as to the rejection of claims 36 and 37, inasmuch as it is the same as the rejection of claims 6 and 5, the above comments distinguishing these claims over the prior art are herein incorporated by reference.

Applicants also enclose herewith newly written claims 38-43 including four independent claims having varying scope. Entry and consideration of the subject matter set out by claims 38-43 is respectfully requested.

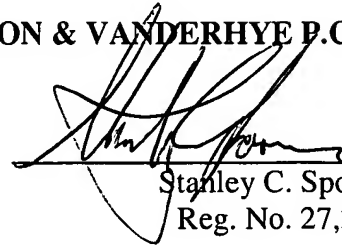
Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 1-43 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of these claims, he is respectfully requested to contact Applicants' undersigned representative.

SIMPSON et al  
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Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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